

Chapter 8.38
PUBLIC SWIMMING POOLS

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Sections:

- 8.38.010 Definitions.
- 8.38.01~~05~~⁵ Purpose.
- ~~8.38.010020~~ Definitions.
- 8.38.02~~0030~~⁰²⁰ Submission of Plans and Specifications; Permits Approval for Construction.
- 8.38.03~~0040~~³⁰ Design and Construction Standards.
- 8.38.04~~0050~~⁴⁰ Permit to Operate.
- 8.38.045 Permit Application
- 8.38.05~~0060~~⁰⁶⁰ Safety Operational Standards.
- 8.38.060 Supervision of Swimming Pools.
- 8.38.070 Lifeguard Requirements.
- 8.38.070 Registration of Lincoln Swimming Pool Operator or a Lincoln Pool Water Quality Tester; Application.
- 8.38.075 Registration of Lincoln Swimming Pool Operator or a Lincoln Pool Water Quality Tester; Requirements.
- 8.38.080 Compliance with Requirements of State of Nebraska ~~Health~~ Department of Health and Human Services.
- 8.38.090 Swimming Pool Permit Fees; New; Renewal; Variance.
- 8.38.095 Lincoln Swimming Pool Operator and Lincoln Pool Water Quality Tester Registration; ~~Renewal~~ Late Fees.
- 8.38.100 Polluted Water.
- 8.38.110 Inspections and Enforcement.
- 8.38.120 ~~Revocation of Permit.~~
- 8.38.13~~020~~⁰²⁰ Penalty.
- 8.38.130 Swimming Pool & Spa Permit; Suspension, Revocation.
- 8.38.140 Swimming Pool & Spa Suspended Permit; Reinstatement.
- 8.08.150 Notice; Service.
- 8.38.160 Enforcement Hearings.
- 8.38.170 Appeals.
- 8.38.180 Variances.
- 8.38.190 Liability of Operator.
- 8.38.200 Severability and Savings Clause.

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8.38.010 Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

Additional Spa shall mean a spa which is co-located with a permitted swimming pool.

~~**Bathhouse** shall mean any building adjacent to the swimming pool used by the swimmers and bathers for changing clothes. The term "bathhouse" shall also include accompanying bather preparation facilities.~~

Department shall mean the Lincoln-Lancaster County Health Department.

Health Director shall mean the Health Director of the Lincoln-Lancaster County Health Department or an authorized representative of the director.

Imminent Health Risk shall mean a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury, illness or disease based on the number of potential affected persons and the nature, severity and duration of the anticipated injury, illness or disease.

Lincoln Pool Water Quality Tester shall mean an individual of at least 16 years of age who holds a valid Lincoln Pool Water Quality Tester certificate issued by the Health Director.

Lincoln Swimming Pool Operator shall mean an individual of at least 19 years of age who holds a valid Lincoln Swimming Pool Operator's certificate issued by the Health Director.

Person shall mean any individual, firm, partnership, association, corporation, company, municipality, political subdivision, community, governmental agency, club, organization, or other entity owning or operating a swimming pool.

Spa shall mean a specific type of swimming pool, such as a hot tub or whirlpool designed for recreational use which is not intended to be drained, cleaned, and refilled after each individual use. Spa shall include, but not be limited to, hydro-jet circulation, hot water, cold water, mineral baths, air induction systems, or any combination thereof.

Spray park shall mean a pool providing recirculated water to spray features with no permanent standing water accessible to pool patrons.

Substantial modification or improvement shall mean construction that: changes the depth, shape, piping, pumping, or other basic design features of a public swimming pool in a manner that affects pool patron safety or recirculation system design; changes a pool's deck; changes the basic design of a diving board; or adds a special feature. Work not considered a substantial modification or improvement includes maintenance and repairs.

~~**Swimming pool** shall mean any artificial basin of water which has been wholly designed, modified, improved, constructed, or installed solely for the purpose of public swimming and~~

~~which is provided with equipment to filter and disinfect the water, and shall include pools for community use, pools at apartments, condominiums, townhouses, or other housing developments having five or more living units, at clubs, camps, schools, institutions, park and recreation areas, motels, hotels, and other commercial establishments but does not include pools at private residences intended only for the use of the owner and guests.~~ shall mean any artificial basin of water modified, improved, constructed, or installed solely and which is used for the purpose of public swimming, wading, diving, recreation, or instruction. Swimming pool includes, but is not limited to, a pool serving a community, a subdivision, an apartment complex, a condominium, a club, a camp, a school, an institution, a park, a manufactured home park, a hotel, a motel, a recreational area, or a water park. Swimming pool includes a spa, hot tub or whirlpool or similar device which (1) is designed for recreational use and is not to be drained, cleaned and refilled after each individual use and (2) may consist of elements, including, but not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction systems, or any combination thereof. Swimming pool does not include an artificial lake, a pool at a private residence intended only for the use of the owner and guests, or a pool operated exclusively for medical treatment, physical therapy, water rescue training, or training of divers.

All swimming pools shall be divided into the following ~~two~~ classes:

(a) ~~Class A pools shall consist of pools operated by municipalities and other political subdivisions, or any other governmental agency and also pools operated only for the purpose of public swimming, subject or tending to an almost regular or continuous use by a substantial number of people at regular intervals. All swimming pools with any or all of the above characteristics shall be classified as Class A swimming pools.~~ shall mean a pool operated by a municipality, political subdivision, or governmental agency; or a pool intended for use for accredited competitive aquatic events such as Federational Internationale de Natation, U.S. Swimming, U.S. Diving, National Collegiate Athletic Association, National Federation of State High School Associations, etc.

(b) ~~Class B pools shall consist of pools operated by entities such as hotels, motels, and apartment houses which tend toward casual use or which serve merely as adjuncts or additional services to the other main facilities made available to a patron or resident by the management of such an establishment, and which is not otherwise classified as Class A.~~ shall mean a swimming pool operated at a facility including, but not limited to, an apartment, a condominium, a property owner association, a child care facility, and lodgings such as hotels and motels.

(c) Class C pool shall mean a spa.

(d) Class D pool shall mean a wading pool.

(e) Class E pool shall mean a spray park.

(f) Class F pool shall mean a swimming pool at a health club, fitness center, community fitness center, or college or university not used for accredited competitive aquatic events as described in (a).

Swimming pool operator ~~shall mean the individual charged with the immediate supervision of a swimming pool and licensed as such.~~

Wading pool shall mean a pool that is no more than 24 inches deep.

8.38.015 Purpose.

The City Council finds that properly designed, constructed, installed, operated, and maintained

swimming pools and spas:

- (a) Reduce hazards to public health and safety, including drowning and serious injury;
- (b) Minimize disease transmission potential;
- (c) Prevent nuisance conditions;
- (d) Promote physical activity and afford recreation.

It is therefore declared to be the public policy of this city to eliminate and prevent health and safety risks posed by swimming pools by regulating the construction, maintenance, and operation of these facilities and by requiring training, certification, and registration for swimming pool operators and pool water quality testers. The City Council authorizes the Health Director to administer and enforce this chapter.

8.38.020 Submission of Plans and Specifications; Permits for Construction Approval for Construction.

No person shall begin construction or installation of, or make substantial modification or improvement to, any swimming pool regulated by this chapter ~~without first having approval of the Health Director for such project.~~ or shall make addition to any swimming pool without first having submitted plans, specifications, and other relevant data to the Health Director who shall review and approve said plans and submit them to the State of Nebraska Department of Health and any other required approving agency for review and approval.

Before a building permit is issued by the Department of Building and Safety shall not issue a building permit for the construction or substantial modification of a swimming pool until it is approved by the State of Nebraska Department of Health. Health Director. In addition to the requirements of this chapter, the requirements of the plumbing, building, electrical, zoning, and all other relevant ordinances and regulations of the city shall apply.

8.38.030 Design and Construction Standards.

The plans and specifications shall be prepared and the construction executed under the immediate supervision of a professional engineer or professional architect registered to practice in the State of Nebraska if the swimming pool is to be constructed, installed, altered, or improved in the city or within three miles of its boundaries and the total cost of the swimming pool and its accompanying bather preparation facilities is in excess of \$10,000.00.

All plans and specifications and construction of such swimming pools and bather preparation facilities shall be done in accordance with the design standards adopted by the City Council of the city by resolution after a report and recommendation from the Board of Health.

Except as hereinafter provided by specific amendment, the standards and regulations set forth in Neb. Rev. Stat. §§ 71-4302 and 71-4303 and Nebraska Department of Health and Human Services, Regulation and Licensure, Title 178 NAC 4 Public Swimming Pool Design and Construction Standards, and as amended from time to time, are hereby adopted by reference and incorporated into Chapter 8.38 of the Lincoln Municipal Code.

8.38.040 Permit to Operate.

No person shall operate or maintain a swimming pool in the city or within three miles of its boundaries unless a permit for said swimming pool ~~shall have~~ has been issued by the Health Director. Each permit shall be valid for one year from the date of issuance through March thirty-

first following issuance of the permit. A new renewal permit shall be secured on or before April first of each year, which will expire March thirty-first of the following year. All permits shall be in writing and shall state the conditions and term thereof. It shall be unlawful for any person to conduct, operate, maintain, or manage a swimming pool without complying with the requirements of this chapter, and the Health Director is charged with the enforcement of the provisions hereof. A permit to operate a swimming pool shall be nontransferable. The permit must be conspicuously posted on the pool premises.

8.38.045 Permit; Application.

An application for a permit to operate a swimming pool shall be made to the Health Director on forms furnished for such purpose. Such forms shall require the owner's full name, mailing address, phone number, email address, the establishment name, location, and the number and types of pools or spas on the premises, the signature of the owner(s), and such other relevant information as may be required by the Health Director.

8.38.050 Safety Operational Standards.

All swimming pools shall be operated and maintained in accordance with the ~~safety standards~~ Lincoln Operational and Management Standards for Public Swimming Pools adopted by resolution of the City Council, after report and recommendation of the Board of Health.

8.38.060 Supervision of Swimming Pools.

~~Every swimming pool shall be under the immediate supervision of a licensed swimming pool operator of majority age who shall be held responsible for compliance with all provisions and regulations relating to equipment, pool operation, and maintenance, and safety of bathers. A valid certificate of competency obtained as a result of attendance and successful completion, by passing a test, of a swimming pool operator's training clinic sponsored or recognized by the Health Department must be presented by each operator of a swimming pool as evidence of compliance with this section. (Ord. 15565 §6; May 14, 1990; P.C. §8.67.070; Ord. 14901 §1; June 6, 1988; Ord. 12224 §7; March 13, 1978).~~

8.38.070 Lifeguard Requirements ~~Registration-Certificate of for Lincoln Swimming Pool Operator or a Lincoln Pool Water Quality Tester; Application.~~

~~All Class A swimming pools open to the public for swimming or rented or leased to private groups for swimming must have a lifeguard on duty. Schools or institutions which conduct swimming classes or swimming meets shall be exempt from the lifeguard requirement only during swimming classes or swimming meets if the class or meet in session is under the direct supervision of an individual responsible for supervising the group and capable of taking the necessary actions in the case of an emergency.~~

~~Swimming pools having between 2,000 and 6,000 square feet of water surface area shall have a minimum of two lifeguards on duty. If the pool area is between 6,000 and 15,000 square feet, a minimum of three lifeguards; if the pool area exceeds 15,000 square feet, a minimum of four guards shall be on duty. The pool manager shall be authorized to put extra lifeguards on duty if in the pool manager's opinion the design or shape of the pool or bather loan warrants the need of more than the minimum number of guards. The number of lifeguards on duty shall be sufficient to permit periodic relief or rest periods. At Class B swimming pools where lifeguard service is not continuously provided, a warning sign shall be placed in plain view of the user and shall state "Warning - No Lifeguard" in letters at least four inches high, and "Children shall not~~

use pool without an adult in attendance” in clearly legible print with letters at least two inches high.

8.38.071 Certificate for Lincoln Swimming Pool Operator or Lincoln Pool Water Quality Tester; Required

Every person who is designated as the operator of a swimming pool regulated under this Chapter shall hold a valid certificate for a Lincoln Swimming Pool Operator. Every person who performs water quality testing for any swimming pool regulated under this Chapter shall hold a valid certificate for a Lincoln Pool Water Quality Tester. The performance of either of these roles without the required certificate is hereby declared unlawful. A Lincoln Swimming Pool Operator must follow the requirements provided in this chapter along with any and all other applicable laws and regulations. A failure to follow these requirements are grounds for suspension or revocation of a certificate for a Lincoln Swimming Pool Operator in addition to any other penalty provided for by law.

8.38.072 Certificate for Lincoln Swimming Pool Operator or Lincoln Pool Water Quality Tester, Application.

After ~~August 1, 2013~~ January 1, 2015 an application for a Lincoln Swimming Pool Operator certificate or a Lincoln Water Quality Tester certificate shall be made to the Health Director on forms furnished for such purpose. Such forms shall require the applicant’s name, address, business address, phone number, and email address, and such other relevant information as may be required by the Health Director. Any person licensed as a swimming pool operator prior to enactment of this Section shall be considered a Lincoln Swimming Pool Operator as defined in this Chapter until such time as the existing license expires at which time said person will be required to apply for and receive a certificate as set forth in this Chapter for Lincoln Swimming Pool Operators or Lincoln Water Quality Tester.

8.38.075 ~~Registration of~~ Certificate for Lincoln Swimming Pool Operator or a Lincoln Pool Water Quality Tester; Requirements.

(a) Before a certificate ~~of registration~~ shall be issued to anyone according to the provisions of this Chapter, the applicant shall be required to satisfactorily complete a training and testing program approved by the Health Director to determine their qualifications and fitness for executing the work necessary for a Lincoln Swimming Pool Operator or a Lincoln Pool Water Quality Tester. The Health Director shall issue a ~~registration certificate~~ if: (1) The applicant has properly completed the required application forms; (2) The registration fee has been paid pursuant to this Chapter; (3) The applicant has satisfactorily completed a training and testing program applicable to the registration requested; and (4) The applicant agrees to up-date all ~~pertinent data required to be provided to the Health Department in the application described in Section 8.38.070~~ as it changes, including applicant’s address, business address, phone number, and such other information as the Health Director requires.

(b) Once issued, said registration shall remain in force for two years from its date of issue, except that it may be suspended or revoked as provided for in this Chapter.

8.38.080 ~~Compliance with Requirements of State of Nebraska Health Department.~~

In the construction, operation, and maintenance of any Class A and B swimming pool, state laws and rules, regulations, and requirements of the State of Nebraska Health Department shall be observed. In the event of any conflict between the provisions of this chapter and any provisions

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of the state law or requirements, rules, or regulations of the State of Nebraska Health Department, the provisions imposing the higher standard or the more stringent requirement shall be controlling.

8.38.090 Swimming Pool Permit Fees; New; Renewal; Variance.

(a) Swimming Pool:

New Permit/Plan Review \$455.00

Renewal \$355.00

Additional Spa \$110.00

Any new swimming pool permit issued after the thirtieth of September of each calendar year shall pay 67% of the new permit fee.

~~(b) Annual Permit Fee~~

~~(a) There shall be a \$355.00 fee for a permit to conduct, operate and maintain a Class A or Class B swimming pool. The fee for a permit to conduct, operate and maintain a swimming pool shall be payable annually to the City of Lincoln and shall be credited to the Health Fund.~~

~~(b) Any initial swimming pool permit issued after the thirtieth of September of each calendar year shall pay 67% of the annual fee.~~

~~(c) The fee for a permit to conduct, operate and maintain a swimming pool shall be payable annually to the City of Lincoln and shall be credited to the Health Fund.~~

~~(d) Failure or refusal to pay the permit fees required by this section to be paid on or before April first of each year for which a permit is issued shall be grounds for revocation of such permits.~~

(b) Renewal Late Fees

(1) A permit holder who fails to renew the permit before it expires, but within 30 days of the date of expiration shall pay a late fee of 33% of the annual fee in addition to the annual fee.

(2) A permit holder who fails to renew the permit before it expires and fails to renew the permit within 30 days from the date of expiration shall pay a late fee of 67% of the annual fee in addition to the annual fee.

(3) A permit holder who fails to renew the permit before it expires is operating without a valid permit and shall be subject to closure or other appropriate enforcement action by the Health Director.

(c) Variance Fee

Any person who submits a variance request shall submit an initial variance review fee of \$200. This shall cover the first two hours of staff review time. Should additional hours be required, each hour thereafter shall be charged at a rate of \$100 per hour.

~~The All fees for a permit to conduct, operate and maintain a swimming pool shall be payable annually to the City of Lincoln and shall be credited to the Health Fund.~~

8.38.095 Lincoln Swimming Pool Operator and Lincoln Pool Water Quality Tester Registration Permit; Renewal Late Fees.

~~(a) A permit holder who fails to renew the permit before it expires, but within 30 days of the date of expiration shall pay a late fee of 33% of the annual fee in addition to the annual fee.~~

~~(b) A permit holder who fails to renew the permit before it expires and fails to renew the permit within 30 days from the date of expiration shall pay a late fee of 67% of the annual fee in addition to the annual fee.~~

(e) ~~— A permit holder who fails to renew the permit before it expires is operating without a valid permit and shall be subject to closure or other appropriate enforcement action by the Health Director. (Ord. 19141 §11; September 15, 2008).~~

(a) There shall be a fee of \$20.00 for each application for a Lincoln Swimming Pool Operator certificate.

(b) There shall be a fee of \$20.00 for each application for a Lincoln Pool Water Quality Tester certificate.

(c) Each certificate shall be valid for two (2) years from the date of issuance.

(d) All fees shall be payable to the City of Lincoln and shall be credited to the Health Fund.

8.38.100 Polluted or Unsafe Water.

No body of water in the City of Lincoln or within three miles shall be used for swimming or bathing purposes by any person if it: thereof which:

(a) contains sewage, waste or other contaminating or polluting substances or material, or ingredients rendering the water hazardous to health; or

shall be used for swimming or bathing purposes by any person or persons;

(b) is determined by the Health Director to be unsafe due to an imminent health risk.

8.38.110 Inspections and Enforcement.

The Health Director is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance.

(a) The Health Director shall conduct an inspection of each swimming pool before an initial permit is issued.

(b) Upon presentation of proper credentials, the Health Director may enter at reasonable times any building, structure, or premises having a swimming pool located in the city or within three miles thereof to determine compliance with the requirements of this ordinance, and it shall be unlawful for any owner or occupier of the premises or person in charge of the premises to deny right of entry to the Health Director to make the inspection.

(c) An operator shall permit the Health Director to inspect at any reasonable time for the purpose of determining compliance with the provisions of this chapter.

(d) The Health Director shall record the inspection findings on an inspection report. The Health Director shall furnish the inspection report to the swimming pool owner and the Lincoln Swimming Pool Operator(s) responsible for said swimming pool.

(e) The inspection report shall:

(1) Set forth specific conditions found including those which constitute a violation of the Lincoln Municipal Code;

(2) Establish a specific and reasonable period of time for correction of violations of the provisions of this chapter, if any;

(3) State that failure to correct the violations within the period of time specified may result in immediate suspension or revocation of the permit and prosecution for violation of this chapter;

(4) State that the owner may request a hearing before the Health Director upon such inspection findings by filing a written request with the Health Director.

(f) A warning notice may be issued for violations that the Health Director determines pose an imminent or substantial health risk. Such warning notice shall:

(1) Set forth specific conditions found to be violations of the Lincoln Municipal Code.

violations:

- (2) Establish a specific and reasonable period of time for correction of such
- (3) State that failure to ~~comply~~ correct the violations specified in ~~with~~ the
warning notice may result in
immediate suspension or revocation of the permit and prosecution for violation of
this chapter;

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- (4) State that owner may request a hearing before the Health Director upon
such inspection findings and warning notice by filing a written request with the
Health Director.

- (g) After the time period given for correction in the inspection report or warning
notice, the Health Director shall re-inspect the establishment to determine compliance.

- (h) The completed inspection report form and the warning notice are public
documents that shall be made available for public disclosure to any person who requests it
according to law.

- (i) Whenever the Health Director has reasonable grounds for believing that there has
been a violation of this ordinance, or that the conditions in existence at a swimming pool pose an
imminent health risk, the Health Director may order that the swimming pool be immediately
closed until such time as the conditions are corrected and all provisions of this ordinance are
complied with. The Health Director shall give written notice to the person or persons alleged to
be in violation. Such notice shall identify the provision of this ordinance alleged to be violated
and the facts alleged to constitute such violation.

8.38.120-Revocation of Permit, Permit or Registration; Suspension, Revocation.

—Any permit granted by the Lincoln-Lancaster County Health Department hereunder may be revoked by it for failure to comply with rules and regulations promulgated hereunder or with this chapter, or whenever, in the determination of the Health Director, further operation under such permit creates a menace to the health of the users of the swimming pool; provided, that the holder of any permit which has been revoked may appeal to the Board of Health the Health Director's revocation of the permit and may have the board determine the legality or reasonableness of such revocation. No appeal under this section, however, shall entitle the permit holder to continue operation of a swimming pool pending action by the Board of Health. (Ord. 15565 §12; May 14, 1990; P.C. §8.67.106; Ord. 12224 §13; March 13, 1978).

It shall be a condition of any permit or registration issued under this chapter that it may be
suspended or revoked at any time by the Health Director for the violation of the statutes of the
State of Nebraska or any of the provisions of this chapter, regulations adopted pursuant to this
chapter, or ordinances of the City by causing an imminent health risk. Any permits or
registrations granted under this chapter shall be subject to suspension or revocation in the
following manner:

- (a) The Health Director shall provide notification as provided in Section 8.38.150.
- (b) The Health Director may suspend the permit or registration for a period of time
not to exceed ninety days.

- (c) The suspension or revocation shall be effective immediately upon notice.

- (d) The person notified shall have a right to a hearing in which the Health Director
shall conduct in accordance with Section 8.38.160.

- (e) It shall be unlawful to continue to operate or cause, permit or allow use of the
swimming pool after receiving notice of suspension or revocation.

- (f) Actions for reinstatement, hearing, or appeal shall not stay or delay the suspension or
revocation in any manner.

8.38.130 Penalty.

Any person upon whom a duty is placed by the provisions of this ordinance who shall fail, neglect, or refuse to perform such duty or who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not to exceed six months or by a fine of not to exceed \$500.00 recoverable with costs, or both. Each day that a violation of this ordinance continues shall constitute a separate and distinct offense and shall be punishable as such. (Ord. 15565 §13; May 14, 1990: P.C. §8.67.108: Ord. 12224 §14; March 13, 1978).

8.38.140 Suspended Permit or Registration; Reinstatement.

(a) Any person whose permit or registration has been suspended may apply for reinstatement. The application shall include a signed statement that the conditions causing suspension have been corrected.

(b) The Health Director shall review the application for reinstatement or inspect the swimming pool within three days after receiving the application for reinstatement.

(c) The Health Director shall reinstate the permit if the conditions causing suspension of the permit have been corrected.

8.08.150 Notice; Service.

(a) The Health Director may serve notice regarding any suspension or revocation of a permit or registration under this Chapter as follows:

(1) By personal service; or

(2) By certified mail, postage prepaid, return receipt requested to the owner's or registrant's last known address as indicated on the application for certificate.

(b) The person making personal service may provide a written declaration under penalty of perjury identifying the person served and the time, date, and manner of service as proof of service.

(c) If the service is to a person other than the owner or person holding a registration, the Health Director may send a copy of the notice to the owner or person holding a registration by regular mail. The copy is not required as part of the notice, and receipt of the copy does not affect the notice.

8.38.160 Enforcement Hearings.

(a) The Health Director shall conduct hearings no later than:

(1) Three days after a request for a hearing after a suspension or revocation, or

(2) Fourteen days after any other request.

(b) The Health Director may appoint a suitable hearing officer to hear the matter. Such hearing officer shall make recommendations based on the evidence adduced at the hearing for the Health Director's final determination of the matter.

(c) The hearing need not be conducted according to the technical rules relating to evidence and witnesses. The person requesting the hearing and the Health Director may:

(1) Call and examine witnesses on any matter relevant to the issues of the hearing;

(2) Introduce documentary and physical evidence; and

(3) Cross examine opposing witnesses on any matter relevant to the issues of

the hearing.

(d) The Health Director may uphold, reverse, or modify the act or findings prompting the request for hearing and may take such other reasonable action as the Health Director may determine proper in relation to the request.

(e) The Health Director shall make a final determination within ten days after the hearing.

(f) The Health Director's decision shall be final and binding upon the City and upon the person making the request. Said decision may be appealed as provided by law.

8.38.170 Appeals.

(a) If the Health Director denies any application or fails or refuses to issue a permit or registration under this chapter within forty-five days from the date of a complete application, such decision may be appealed to the district court as provided for by law.

(b) Any person aggrieved by a final decision of the Health Director in the administration or enforcement of this chapter may appeal such decision to the district court as provided by law.

8.38.180 Variances.

Requests for variances from the design and construction standards must be submitted to the Health Director in writing and must be accompanied by applicable fees. A variance may only be issued in relation to Sections 8.38.030 and 8.38.060 and only after consultation with the Nebraska Department of Health & Human Services. The Director may only grant a variance upon demonstration that the pool's operation and management meet the intent of this chapter, and the regulations adopted pursuant to this chapter, and do not pose an increased health or safety risk. Requests for a variance will be approved or disapproved on a case-by-case basis. The Health Director shall act on the request for variance within thirty days. The Health Director shall not approve any variance until all applicable fees have been paid.

8.38.190 Liability of Owner.

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter, by an officer, director, manager or other agent or employee of any owner if said act is committed or omission is made with the authorization, knowledge, or approval of the owner, shall be deemed and held to be the act of such owner, and said owner shall be punishable in the same manner as if said act or omission had been done or omitted by such owner personally.

8.38.200 Severability and Savings Clause.

(a) Each section and each subdivision of a section of this title is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of this ordinance is concerned and invalidity of any section or subdivision of a section of this title shall not invalidate any other section or subdivision of a section thereof.

(b) This title shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any ordinance or part of any ordinance hereby repealed; and this title shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any ordinance or part of any ordinance hereby repealed.